



CP/164

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#5B 10/30/00 T. Bray

In re the application of: Carl H. June *et al.*

Group Art Unit: 1644

Serial No.: 09/350,202

Examiner: Gambel, P.

Filed: July 8, 1999

For: *Methods for Selectively Stimulating Proliferation of T Cells*

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Attorney Docket No.: RPI-002CP2CN2

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Assistant Commissioner for Patents
Washington, D.C. 20231

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on the date set forth below	
<u>10/23/00</u> Date of Signature and of Mail Deposit	By: Amy E. Mandragouras Reg. No. 36207 Attorney for Applicants

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AMENDMENT AND RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

This is in response to the restriction requirement set forth in the Office Action dated September 22, 2000 (Paper No. 4). Prior to examination of the above-identified application, please amend the application as follows:

In the claims:

Please cancel claim 1 without prejudice.

Restriction Requirement

The Examiner has required restriction to one of the following species.

Wherein the second agent is:



LAHIVE
&
COCKFIELD
LLP

COUNSELLORS AT LAW
28 STATE STREET
BOSTON, MASSACHUSETTS 02109-1784
TELEPHONE (617) 227-7400
FAX (617) 742-4214
lc@lahcoc.com

JOHN A. LAHIVE, JR. (1928-1997)
THOMAS V. SMURZYNSKI
RALPH A. LOREN
GIULIO A. DeCONTI, JR.
ANN LAMPORT HAMMITTE
ELIZABETH A. HANLEY
AMY BAKER MANDRAGOURAS
ANTHONY A. LAURETANO
KEVIN J. CANNING
JANE E. REMILLARD
JEANNE M. DIGIORGIO
DEBRA J. MILASINCIC, Ph.D.
NICHOLAS P. TRIANO, III
WILLIAM D. DeVAUL

CHI SUK KIM
DAVID J. RIKKERS
DAVID R. BURNS
JOHN S. CURRAN
SEAN D. DETWEILER
ADAM M. GOODMAN

SENIOR COUNSEL
JAMES E. COCKFIELD

OF COUNSEL
JEREMIAH LYNCH
WILLIAM A. SCOFIELD, JR.
PETER C. LAURO *
DeANN FORAN SMITH**

* Admitted in NY only
** Admitted in MI only
*** Passed the Patent Bar Examination

PATENT AGENTS
MEGAN E. WILLIAMS, Ph.D.

TECHNICAL SPECIALISTS
MARIA LACCOTRIPE ZACHARAKIS, Ph.D.***
CYNTHIA M. SOROOS
PETER W. DINI, Ph.D.
LAUREN C. FOSTER, D.Sc.
EUIHOON LEE
ERICK B. BERGLUND, Ph.D.
LISA M. DIROCCO
JENNIFER K. ROSENFELD
JUDITH STONE-HULSLANDER, Ph.D.
PETER S. STECHER
ALLAN TAMESHTIT
CATHERINE E. McPHERSON
RICHAN NAND
GARY W. FLOURDE II

October 23, 2000

Assistant Commissioner for Patents
Washington, D.C. 20231

Re: U.S. Patent Application Serial No.: 09/350,202
Methods for Selectively Stimulating Proliferation of T Cells
By: Carl H. June, Craig B. Thompson, Gary J. Nabel, Gary S. Gray,
and Paul D. Rennert
Filing Date: July 8, 1999
Our Ref.: RPI-002CP2CN2

Dear Sir:

I enclose herewith for filing in the above-identified application the following:

1. Amendment and Response to Restriction Requirement; and
2. Return receipt postcard.

Please charge any necessary fees to our Deposit Account No. 12-0080. The undersigned requests any extensions of time necessary to respond. A duplicate of this sheet is enclosed.

I hereby certify that this correspondence is deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231 on:

Date

Amy E. Mandragouras, Esq., Reg. No. 36,207

Respectfully submitted,

LAHIVE & COCKFIELD, LLP

Amy E. Mandragouras
Reg. No. 36,207
Attorney for Applicants

Enclosures

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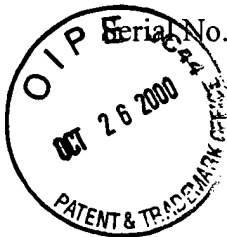
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- (a) Anti-CD28 antibodies; or
- (b) A stimulatory form of a natural ligand for CD28.

Applicants elect species (a) *i.e.*, anti-CD28 antibodies, for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Claims 50-55, 57, and 58 read on the elected species.

It is the Applicants' understanding that under 35 U.S.C. § 121, an election of a single species for prosecution on the merits is required, to which the claims will be restricted if no generic claim is finally held allowable. Applicants submit that claim 50 is generic. Applicants further understand that upon the allowance of a generic claim, they will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. § 1.41 *et seq.*

SUMMARY

If a telephone conversation with Applicants' Attorney would expedite the prosecution of the above-identified application, the examiner is urged to call Applicants' Attorney at (617) 227-7400.

Respectfully submitted,
LAHIVE & COCKFIELD, LLP

Amy E. Mandragouras
Reg. No. 36,207
Attorney for Applicants

28 State Street
Boston, Massachusetts 02109
telephone: (617) 227-7400
facsimile: (617) 742-4214
Date: October 23, 2000